

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	0

MR. SPEAKER:

Your Committee on **Roads and Transportation**, to which was referred House Bill 1623, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, line 3, after "(a)" insert "**For purposes of this section,**
- 2 "**highway work zone**" has the meaning set forth in IC 8-23-2-15.
- 3 **(b)**".
- 4 Page 1, line 3, after "The" insert "**Indiana**".
- 5 Page 1, line 3, after "department" insert "**of transportation**".
- 6 Page 1, line 8, delete "(b)" and insert "**(c)**".
- 7 Page 1, line 8, delete "(a) may" and insert "**(b) shall**".
- 8 Page 1, line 9, delete "a worksite, including".
- 9 Page 1, line 10, delete "(as defined in IC 8-23-2-15),".
- 10 Page 1, line 11, after "the" insert "**Indiana**".
- 11 Page 1, line 11, delete ";" and insert "**of transportation;**".
- 12 Page 1, line 14, after "(A)" insert "**Indiana**".
- 13 Page 1, line 14, delete ";" and insert "**of transportation;**".
- 14 Page 1, line 16, delete "worksite." and insert "**highway work**
- 15 **zone.**".
- 16 Page 2, line 23, delete "five (5)" and insert "**three (3)**".

1 Page 2, line 27, delete "five (5)" and insert "**three (3)**".

2 Page 2, line 27, delete "at least seven hundred fifty" and insert "**one**
3 **thousand dollars (\$1,000)**."

4 **(d) Notwithstanding IC 34-28-5-5(c), the funds collected as**
5 **judgments for the infraction of violating a speed limit set under**
6 **this section shall be transferred to the Indiana department of**
7 **transportation to pay the costs of hiring off duty police officers to**
8 **perform the duties described in IC 8-23-2-15(b).**"

9 Page 2, delete lines 28 through 42.

10 Page 3, delete lines 1 through 3.

11 Page 3, line 7, delete "IC 9-21-8-56(b)(5)." and insert
12 **"IC 9-21-8-56(d), (f), (g), and (h)."**

13 Page 3, line 36, delete "IC 9-21-8-56(b)(4)." and insert
14 **"IC 9-21-8-56(d), (f), (g), and (h)."**

15 Page 3, line 39, delete ""worksite"" and insert **""highway work**
16 **zone" has the meaning set forth in IC 8-23-2-15."**

17 Page 3, delete line 40.

18 Page 3, line 41, delete "(c)" and insert **"(f)"**.

19 Page 3, line 41, delete "(e), any of the" and insert **"(h), a person**
20 **who recklessly operates a vehicle"**.

21 Page 3, line 42, delete "following, if committed".

22 Page 3, line 42, delete "worksite" and insert **"highway work zone"**.

23 Page 4, line 1, delete "present, is" and insert **"present commits"**.

24 Page 4, line 1, delete ":" and insert ".".

25 Page 4, delete lines 2 through 13, begin a new paragraph and insert:

26 **"(c) Except as provided in subsections (f) through (h), a person**
27 **who knowingly, intentionally, or recklessly operates a motor**
28 **vehicle in the immediate vicinity of a highway work zone when**
29 **workers are present with the intent to:**

30 **(1) damage traffic control devices; or**

31 **(2) inflict bodily injury on a worker;**

32 **commits a Class A misdemeanor.**

33 **(d) Except as provided in subsections (f) through (h), a person**
34 **who knowingly, intentionally, or recklessly engages in:**

35 **(1) aggressive driving, as defined in section 55 of this chapter;**

36 **or**

37 **(2) a speed contest, as prohibited under IC 9-21-6-1;**

38 **in the immediate vicinity of a highway work zone when workers**

1 **are present commits a Class A misdemeanor.**

2 **(e) Except as provided in subsections (f) through (h), a person**
 3 **who recklessly fails to obey a traffic control device or flagman, as**
 4 **prohibited under section 41 of this chapter, in the immediate**
 5 **vicinity of a highway work zone when workers are present commits**
 6 **a Class A misdemeanor."**

7 Page 4, line 14, delete "(c)" and insert "(f)".

8 Page 4, line 14, delete "(b)" and insert "(b), (c), (d), or (e)".

9 Page 4, line 16, delete "section;" and insert "section in the previous
 10 **five (5) years;".**

11 Page 4, line 19, delete "(d)" and insert "(g)".

12 Page 4, line 19, delete "(b)" and insert "(b), (c), (d), or (e)".

13 Page 4, line 19, delete "C" and insert "D".

14 Page 4, line 21, delete "(e)" and insert "(h)".

15 Page 4, line 21, delete "(b)" and insert "(b), (c), (d), or (e)".

16 Page 4, line 21, delete "B" and insert "C".

17 Page 4, between lines 22 and 23, begin a new paragraph and insert:

18 "SECTION 6. IC 34-28-5-5 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) A defendant
 20 against whom a judgment is entered is liable for costs. Costs are part
 21 of the judgment and may not be suspended except under IC 9-30-3-12.
 22 Whenever a judgment is entered against a person for the commission
 23 of two (2) or more civil violations (infractions or ordinance violations),
 24 the court may waive the person's liability for costs for all but one (1) of
 25 the violations. This subsection does not apply to judgments entered for
 26 violations constituting:

27 (1) Class D infractions; or

28 (2) Class C infractions for unlawfully parking in a space reserved
 29 for a person with a physical disability under IC 5-16-9-5 or
 30 IC 5-16-9-8.

31 (b) If a judgment is entered:

32 (1) for a violation constituting:

33 (A) a Class D infraction; or

34 (B) a Class C infraction for unlawfully parking in a space
 35 reserved for a person with a physical disability under
 36 IC 5-16-9-5 or IC 5-16-9-8; or

37 (2) in favor of the defendant in any case;

38 the defendant is not liable for costs.

1 (c) Except for costs, **and except as provided in IC 9-21-5-11(d)**,
2 the funds collected as judgments for violations of statutes defining
3 infractions shall be deposited in the state general fund.

4 (d) A judgment may be entered against a defendant under this
5 section or section 4 of this chapter upon a finding by the court that the
6 defendant:

7 (1) violated:

8 (A) a statute defining an infraction; or

9 (B) an ordinance; or

10 (2) consents to entry of judgment for the plaintiff upon a pleading
11 of nolo contendere for a moving traffic violation."

12 Renumber all SECTIONS consecutively.

(Reference is to HB 1623 as introduced.)

and when so amended that said bill do pass.

